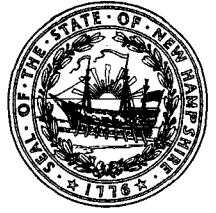




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner
November 5, 2004

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 04-17

Town of Salem
33 Geremonty Drive
Salem, NH 03079

Attn.: Rod Bartlett, Director of Public Works

RE: Salem Transfer Facility
Salem, NH
EPA ID No. NHD 510123474

Dear Mr. Bartlett:

On August 6, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the Salem Transfer Facility ("Salem Transfer"), located in Salem, NH. The purpose of the inspection was to determine Salem Transfer's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 807.06(b)(4) – Used Oil Management Standards

At the time of the inspection, a 500-gallon tank storing used oil collected from residents was not labeled "Used Oil for Recycle".

Env-Wm 807.06(b)(4) requires that all containers and tanks storing used oil be labeled with the words "Used Oil for Recycle".

DES requests that Salem Transfer correctly label their used oil tank, and any containers storing used oil with the words "Used Oil for Recycle".

2. Env-Wm 807.06(b)(5) – Used Oil Management Standards

At the time of the inspection, a 500-gallon tank storing used oil collected from residents was not closed.

Env-Wm 807.06(b)(5) requires that containers and tanks storing used oil be closed unless used oil is being actively added to, or removed from the container or tank.

DES requests that Salem Transfer ensure that all containers and tanks storing used oil be closed, unless used oil is being actively added to or removed from the container or tank. A self-closing safety funnel is allowed to be mounted on the container or tank, provided that it is securely screwed into the bung.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-2900 • Fax: (603) 271-2456 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov

3. Env-Wm 807.06(b)(6) – Used Oil Management Standards

a) At the time of the inspection, a permeable concrete secondary containment structure designed to prevent accidental releases of used oil from the storage tank to the environment was filled with nine (9) inches of oil and water, causing it to function as a used oil storage tank, rather than as secondary containment. The facility operator indicated that the accumulation was the result of rainwater that had collected in the containment structure, and spillage of used oil by residents adding directly to the tank.

b) At the time of the inspection, soil surrounding the used oil tank was contaminated with a substantial amount of used oil. The facility operator indicated that residents are allowed to pour used oil directly into the tank, and often spill or overfill the tank, resulting in contamination of the surrounding soil.

Env-Wm 807.06(b)(6) requires that containers and tanks storing used oil be maintained and operated so as to prevent spillage, seepage, or other discharge of used oil onto the land. Concrete secondary containment structures are not impermeable, and are not acceptable storage tanks for used oil.

a) DES requests that Salem Transfer ensure that used oil in the secondary containment structure is immediately removed as it accumulates and properly stored, to reduce the likelihood of seepage from the secondary containment onto the land. Salem Transfer is additionally requested to improve the shelter for its used oil collection tank, such that rainwater does not easily enter the secondary containment structure.

b) DES requests that Salem Transfer maintain their tank so as to prevent releases to the environment. All visibly contaminated soil will need to be remediated. The soils that show staining should be sampled to determine if they are a solid waste or hazardous waste and disposed of appropriately based upon the results of the determination. At a minimum, Salem Transfer will need to analyze a representative sample of the oil-contaminated soil for the contaminants typically found in used oil; that is, total Arsenic, Cadmium, Chromium, Lead, and PCBs. Further, Salem Transfer should also sample for any other contaminants that by knowledge may be present. For example, if you know or suspect that solvents have been stored in the area, you should test for volatile organic compounds using EPA test method number 8260. Only if the soil is determined not to be a hazardous waste may the soil be handled as solid waste. (A list of laboratories that test for hazardous waste is also enclosed for your use.) Salem Transfer will also need to contact Gary Lynn, Petroleum Remediation Section Supervisor, Site Remediation Programs, at 271-8873 for specific details on the spill clean-up and remediation of this site.

Please note that the DES Used Oil Program has grants of up to \$2,500 available annually for municipal used oil collection centers which collect used oil from household do-it-yourselfers servicing their own vehicles (DIY). Our records indicate that Salem has not taken advantage of this program since 1996. These grant funds may be used to assist Salem Transfer in correcting the deficiencies noted in this letter, by reimbursing Salem Transfer for capital purchases relative to its DIY collection center. Additionally, Salem Transfer is eligible for reimbursement of costs to remove DIY used oil and unburnable oil wastes, such as oily water and sorbents, from their facility. The funds cannot, however, be used to pay for costs related to the cleanup of contaminated soils due to mismanagement. Contact Tim Noury, Grant Specialist, at 1-(888) TAKEOIL for suggestions on making your facility a model collection center.

4. Env-Wm 809.02 – Spent Lead-acid Batteries

At the time of the inspection, Salem Transfer was storing spent lead-acid batteries in a manner which could result in spillage, leakage, or possible fire.

Env-Wm 809.02 requires that spent lead-acid batteries must be stored in a manner designed to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters.

DES requests that Salem Transfer manage the spent lead-acid batteries in a manner that is protective of the environment. Although this could be accomplished through additional transfer facility staff oversight, DES believes that Salem Transfer could alternatively construct non-conductive shelving in the battery storage area, to encourage citizens to properly store their batteries and reduce the likelihood of tipping, falling, or short-circuiting.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Salem Transfer can be submitted within sixty (60) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Salem Transfer, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Tim Prospert, Used Oil Program Manager
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://www.des.nh.gov/hwcs/>

or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll-free at 1-(866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Tim Prospert, or Tod Leedberg, RCRA Compliance Supervisor, at 271-2942, or toll-free, at 1-866-429-9278. Specific questions regarding water related issues may be directed to Stergios Spanos of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Division at 271-1370. Thank you for your cooperation.

Sincerely,



John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

RCRA/DB/UODB/LOD/ARCHIVE

cc: Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Esq., Administrator, DES Legal Unit

e-mail: Gary Lynn, DES/WMD
Stephanie D'Agostino, DES Pollution Prevention Coordinator
Stergios Spanos, DES/WD
Pam Monroe, DES/ARD

Enclosures: Hazardous Waste Generator Inspection Report & Modules
List of Laboratories
Photographs of Used Oil Collection Center and Spent Lead-acid Battery Storage Area